

## **REMARKS**

Applicants respectfully request reconsideration of the present case in view of the above amendments and the following remarks.

Claim 1 has been amended. Claims 6-8 have been added. Claims 1-8 are currently pending. No new matter has been inserted. Support for the amendment of claim 1 can be found in the specification at least in Figure 3. Support for new claim 6 can be found in claims 1 and 5. Support for new claim 7 can be found in claim 4 and in the specification at least at page 5, lines 4-15. Support for new claim 8 can be found in claim in the specification at least at page 3, lines 19-20.

### **35 U.S.C. § 102(b)**

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as anticipated by Ito, US 6,290,017. Applicants respectfully traverse this rejection.

Ito discloses a body frame structure of a two-wheeled motor vehicle. However, Ito does not teach or suggest the invention of independent claim 1. First, Ito does not disclose or suggest “a rear frame that is separate from said front frame” as required by claim 1. It is clear from Figure 2 of Ito that the rear frame is not separate from the front frame. Second, Ito does not disclose or suggest that the “engine forms part of a body frame for said motorcycle” as required by claim 1. Figure 3 of Ito clearly shows that the engine does not form part of the body frame. For these reasons, Ito does not teach or suggest the invention of claim 1. As claims 2-5 are dependent on claim 1, they are also not anticipated or suggested.

In addition, Ito does not teach or suggest the invention of independent claim 6. Independent claim 6 requires that “said front frame has a middle portion which is convex upward and rearward”. The Examiner stated that “portions 57 are considered to be convex upward and rearward as broadly claimed, since they include a convex surface.” However, Applicants respectfully disagree with the position of the Examiner. The ordinary meaning of the term convex is curved or rounded, like the exterior of a sphere or circle. This is in sharp contrast to the term concave, which refers to hollowed or rounded inward, like the inside of a bowl. As is

clear in Figure 2 of Ito, portion 57 is convex downward and forward, not upward and rearward as required by claim 6. Therefore, Ito does not teach or suggest the invention of claim 6. As claims 7-8 are dependent on claim 6, they are also not anticipated or suggested.

For at least these reasons, Applicants respectfully request that this rejection be withdrawn.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612)332.5300

Dated: 1-11-05

By: Curtis B. Hamre  
Curtis B. Hamre  
Reg. No. 29,165

CBH:MED:kf

